

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

PAUL JONES,
Plaintiff,

v.

CIVIL ACTION NO. 14-10218-GAO

EXPERIAN INFORMATION
SOLUTIONS, INC., *et al.*,
Defendants.

**REPORT AND RECOMMENDATION
ON MOTION TO DISMISS (#43)**

KELLEY, U.S.M.J.

On March 24, 2014, Defendant Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing LP, filed a motion to dismiss claims asserted against it by Plaintiff Paul Jones in his Complaint, filed January 28, 2014. (Motion to Dismiss by Defendant Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP, #43.) Since then, Plaintiff amended his complaint, and Bank of America filed a motion to dismiss the amended complaint. (Motion to Dismiss Plaintiff's Amended Complaint by Defendant Bank of America, N.A., Successor by Merger to BAC Home Loans Servicing, LP, #96.) As a result, the Court RECOMMENDS that Bank of America's earlier motion to dismiss (#43) be deemed MOOT.

The parties are hereby advised that any party who objects to this recommendation must file specific written objections with the Clerk of this Court within 14 days of the party's receipt of this Report and Recommendation. The objections must specifically identify the portion of the

recommendation to which objections are made and state the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has repeatedly indicated that failure to comply with Rule 72(b), Fed. R. Civ. P., shall preclude further appellate review. *See Keating v. Secretary of Health & Human Servs.*, 848 F.2d 271 (1st Cir. 1988); *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1st Cir. 1986); *Scott v. Schweiker*, 702 F.2d 13, 14 (1st Cir. 1983); *United States v. Vega*, 678 F.2d 376, 378-379 (1st Cir. 1982); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1st Cir. 1980); *see also Thomas v. Arn*, 474 U.S. 140 (1985).

December 29, 2014

/s / M. Page Kelley
M. Page Kelley
United States Magistrate Judge